

IN THE DISTRICT COURT OF COMANCHE COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA  
Comanche County  
FILED in the  
Office of the Court Clerk

AUG 16 2021  
By Deputy

NAZZARENO MIFSUD, an individual )

PLAINTIFF, )

V. )

CJ-2021-60

GRAY MEDIA GROUP Inc., d/b/a )

KSWO TV, a foreign business entity, )

DEFENDANT. )

APPLICATION FOR EMERGENCY TEMPORARY  
RESTRAINING ORDER/INJUNCTIVE RELIEF

COMES NOW, the Plaintiff, and moves this Court for a Temporary  
Restraining Order/Injunctive relief. In support of its Motion, Plaintiff states as  
follows:

FACTUAL STATEMENT

1. Plaintiff Nazzareno Mifsud comes to this Court seeking a Temporary Restraining Order/Injunctive Relief, restraining and prohibiting the Defendant from publishing Plaintiff's likeness/picture on their websites, claiming that Plaintiff was wanted by American law enforcement authorities for the molestation of a 15 year old and 12 year old boy.
2. A man named "Nazzareno Mifsud," who had been a sergeant in the United States military (in 1987) stationed at Ft. Sill, Oklahoma, had

EXHIBIT

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been charged by Lawton, Oklahoma authorities with the sexual molestation of two (2) boys, one aged 15, and one aged 12.

3. This "Nazzareno Mifsud" fled the United States sometime before his trial, which was set sometime around June of 1987.
4. This "Nazzareno Mifsud" was arrested by Maltese authorities on or about August, 2020. (It is believed that this "Nazzareno Mifsud" resided at times in Malta because prior to 2006, Malta did not have an extradition policy with the United States.)
5. On or about September 7, 2020, the "Nazzareno Mifsud" who had been arrested by Maltese authorities in August, 2020, was found hanging by his necktie in his cell, and was taken to a nearby hospital where he died.
6. On or about September 8, 2020 (and possibly earlier), Defendant published an article on its stations' websites, including KSWO, wherein it was stated that a "Nazzareno Mifsud" had been captured and detained in Malta for crimes of sexual molestation of two underage boys, one 15 and one 12, alleged to have occurred in Lawton, Oklahoma. See Exhibit 1.
7. Defendant inserted a picture of the Plaintiff, also named "Nazzareno Mifsud," that was taken from his Facebook home page, in its article. See Exhibit 1.
8. On or about September 10, 2021, Plaintiff's daughter, Louise Carauna,

sent an email to Defendant's station KWSO, and informed them that they had wrongfully placed her father's picture in the article, and that the subject of the article, was dead (as reported by KWSO), and that her father (whose photograph had been ripped from Facebook) was very much alive. See Exhibit 2. (Plaintiff Nazzareno Mifsud lives in Australia, and has never been to the United States of America.)

9. Even after Defendant has been served with the Petition, in which it is stated that the Plaintiff, Nazzareno Mifsud, is a live person, living in Australia, Defendant has continued to publish the false and defamatory statement, and present Plaintiff in a false light; even though they know that the subject of the article is dead, and the man in the picture, the Plaintiff, is alive (conclusively establishing that the person in the picture was the wrong one).
10. To this day, Defendant continues to publish Plaintiff's photograph that was ripped from Facebook on its website, portraying him as the man who was charged with the sexual molestation of two underage boys, one 15 year old, and one 12 year old.

## ARGUMENT AND AUTHORITY

### I. A TEMPORARY INJUNCTION IS WARRANTED AGAINST THE DEFENDANTS

Title 12 O.S.2011 § 1382, which reads in relevant part:

When it appears, by the petition, that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of some act, the commission or continuance of which, during the litigation, would produce injury to the plaintiff; or when, during the litigation, it appears that the defendant is doing, or threatens, or is about to do or is procuring or suffering to be done, some act in violation of the plaintiff's rights respecting the subject of the action, and tending to render the judgment ineffectual, a temporary injunction may be granted to restrain such act. And when, during the pendency of an action, it shall appear, by affidavit, that the defendant threatens or is about to remove or dispose of his property with intent to defraud his creditors, or to render the judgment ineffectual, a temporary injunction may be granted to restrain such removal or disposition. It may, also, be granted in any case where it is specially authorized by statute.

The Court in *Tulsa Order of Police Lodge v. Tulsa*<sup>1</sup> stated that:

There are four criteria courts consider to determine whether to grant a temporary injunction: "(1) the applicant's likelihood of success on the merits, (2) irreparable harm to the party seeking relief if injunctive relief is denied, (3) relative effect on the other interested parties, and (4) public policy concerns arising out of the issuance of injunctive relief." *Thayne A. Hedges Regional Speech & Hearing Ctr., Inc., v. Baughman*, 1998 OK CIV APP 122, ¶ 4, 996 P.2d 939, 941 (quoting *Dorchester Hugoton, Ltd. v. Dorchester Master Ltd. Partnership*, 1996 OK CIV APP 60, ¶ 5, 925 P.2d 1222,1225).

Plaintiff's makes claims, inter alia, for (1) Defamation, (2) Emotional Distress (Intentional and Derivative), and (3) False Light/Invasion of Privacy. Plaintiff is likely to prevail in that:

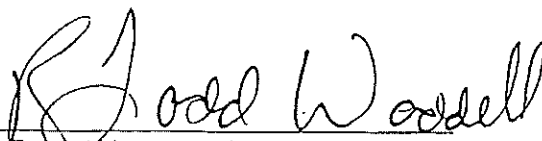
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<sup>1</sup> See, 2001 OK CIV APP 153, ¶ 39 P.3d 152.

- (1) Defendant posted Plaintiff's picture in article falsely accusing him of being a dead child molester; said publication is defamatory and portrays Plaintiff in a false light;
- (2) Irreparable harm is being done to the Plaintiff each day that this false, defamatory, and false light article is published, wherein the article portrays Plaintiff as a current day picture of the dead accused child molester;
- (3) There will be zero effect on the Defendant to withdraw the Plaintiff's picture;
- (4) The public has an interest in protecting the rights and fortunes of a person who has been falsely accused and portrayed as having committed the heinous crime of child sexual molestation, by a callous and indifferent media who continues to publish a false story even after they know it is false.

Accordingly, Plaintiff moves this Court to enter a temporary order against the Defendant, that it cease and desist all publications of Plaintiff's pictures or likenesses, regarding Plaintiff Nazzareno Mifsud.

RESPECTFULLY SUBMITTED,



R. TODD WADDELL, OBA #17784

R. TODD WADDELL LAW

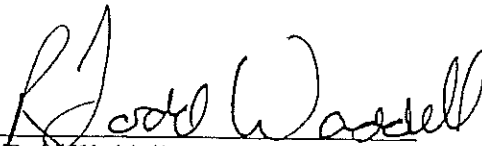
6812 N. ROBINSON  
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Attorney for Plaintiff,  
NAZZARENO MIFSUD

CERTIFICATE OF DELIVERY

This is to certify that on this \_\_\_\_ day of July, 2021, a true and correct copy of the above and foregoing pleading was delivered to:

Rudy Heirsche OBA #4183  
Hightower Building, Suite 540  
105 N. Hudson  
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(405) 235-3123  
(405) 235-3142 (f)  
[rudy@hlfoke.com](mailto:rudy@hlfoke.com)  
Attorney for Defendant

  
R. Todd Waddell

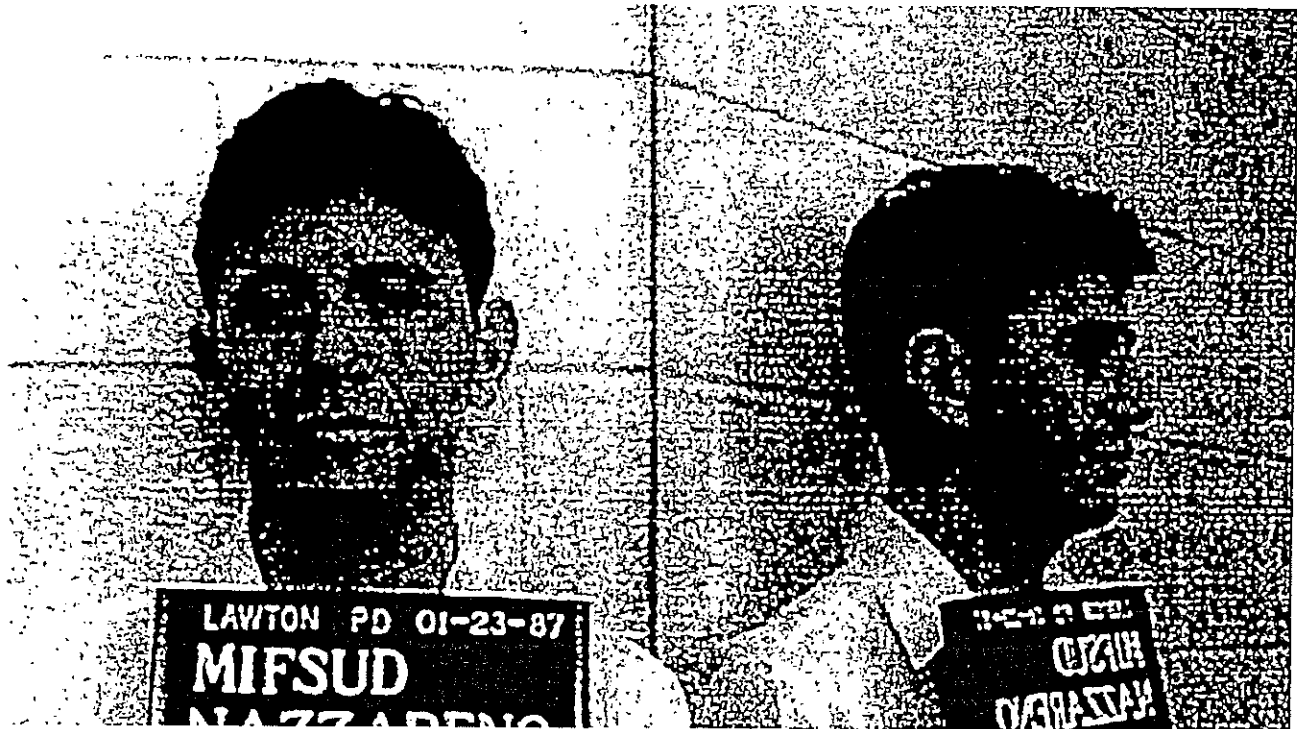
92°

Lawton, OK

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## Army 'Top 10 Most Wanted,' Lawton fugitive found dead on eve of extradition for child sex crimes



Nazzareno "Reno" Mifsud, 23, was arrested in January of 1987 in Lawton after being charged with one count of lewd molestation. His victim told police Mifsud had committed the act as the victim pretended to be asleep at a home in the 2300 block of NW Lincoln Avenue. (KSWO)

By Jarred Burk

Updated: Sep. 8, 2020 at 12:20 PM CDT



LAWTON, Okla. (TNN) - A wanted fugitive who allegedly committed child sex crimes in Lawton in 1987, and became one of the U.S. Army's Top 10 Most Wanted, has reportedly been found dead in a Maltese jail cell on the eve of his extradition to the United States.

Nazzareno "Reno" Mifsud was arrested in January of 1987 in Lawton after being charged with one count of lewd molestation. His 15-year-old victim told police Mifsud had committed the act as the victim pretended to be asleep at a home in the 2300 block of NW Lincoln Avenue.

A second charge of lewd molestation was later filed against Mifsud for alleged acts committed against his 12-year-old neighbor in December of 1986.

Mifsud was taken into custody on those charges by Lawton police and released on bond awaiting his trial which was scheduled for June of 1987. He fled the United States shortly before the trial and has been a fugitive ever since.

Officials say Mifsud was an American citizen, but believed he had fled to his birth country of Malta due to the lack of an extradition treaty with the United States.

At the time the crimes were committed, Mifsud was a Sergeant in the U.S. Army and stationed at Fort Sill. For that reason, the Army placed him on their "10 Most Wanted" list and categorized him as Absent Without Leave (AWOL).

In 2006, the U.S. and Malta governments signed a new extradition treaty which went into full effect in 2009. The treaty provides that "extradition shall not be refused based solely on the nationality of the person sought" for certain crimes including "sexual exploitation of children and child pornography," according to federal documents.

In 2015, U.S. Marshals received reliable information that Mifsud was living in Malta and efforts began to locate and arrest him. That information reportedly came to light after Mifsud posted a picture of himself and other information on Facebook.

Ex. 1





Nazzareno "Reno" Mifsud, 23, was arrested in January of 1987 in Lawton after being charged with one count of lewd molestation. His victim told police Mifsud had committed the act as the victim pretended to be asleep at a home in the 2300 block of NW Lincoln Avenue. (Court Docs)

Multiple agencies, including the U.S. Embassy in Malta, the Pentagon, the United States Army Criminal Investigation Command and the U.S. Marshals began working to locate and apprehend Mifsud.

Meanwhile, the Lawton Police Department, Comanche County District Attorney, U.S. Criminal Investigation Command and the U.S. Attorney's office for the Western District of Oklahoma worked to prepare the necessary documents to request extradition of Mifsud.

In 2017, an extradition request was filed in federal court and sent to officials in Malta. It would be three-and-a-half years before Mifsud would be arrested in Malta in August of 2020.

Mifsud was set to be extradited back to Oklahoma to face justice, but on Monday, Maltese media reports say Mifsud was found hanging in his jail cell by a necktie. He was taken to the hospital where he died.

The U.S. Attorney's office declined to comment on this story.

Fort Sill officials released this statement about the situation:

*Despite the fact that more than three decades have passed, we remain committed to working along our great teammates in the local law enforcement community. We can confirm that Nazzareno Mifsud was assigned to Fort Sill at the time of arraignment and his bonding under civilian criminal court for misconduct occurring off of the installation. Mifsud went AWOL on May 11, 1987 and was dropped from rolls on June 10, 1987. Mifsud was a Sergeant (E-5) at the time of his AWOL (Absent without official leave) and he had an active desertion warrant. We are satisfied that our local law enforcement, the US Army Criminal Investigation Command, U.S. federal agencies and Maltese authorities worked collaboratively and so diligently to locate and request extradition of Mifsud. The allegations against him were upsetting and in no way represent the culture of values we imbue on our Soldiers here at Fort Sill and the Fires Center of Excellence.*

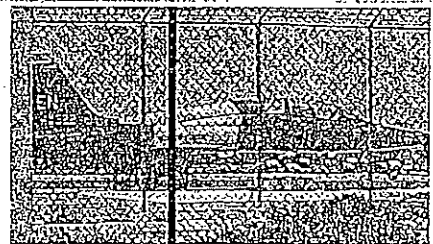
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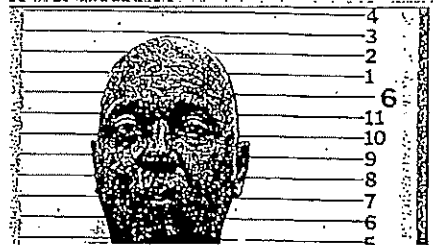
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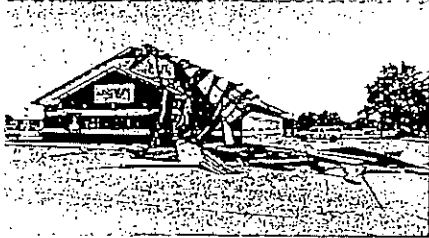
🕒 Bulk waste pick-up delays in Lawton



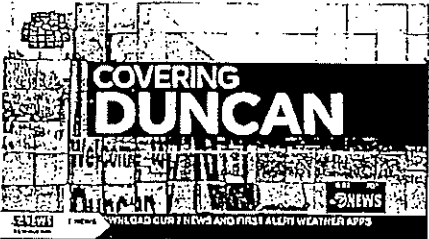
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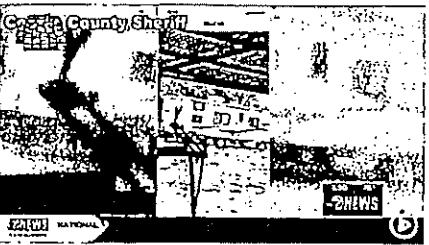
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KSWO  
1491 W. 17th Street  
Lawton, OK 73501  
800.755.2222



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## URGENT Removal of incorrect publication

1 message

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louise Caruana <louise160683@gmail.com>  
To: kmize@kswo.com

Thu, 10 Sep. 2020 at 10:31 am

To whom this may concern

I am writing regarding the article you have on your web site called "Army "Top most wanted, Lawton fugitive found dead on eve of extradition for child sex crimes.

I wish to advise that this article has published a picture which is not the offended in question. The picture being used is of my Father whom is still alive and has no relation to the offended. My father only shares the same name as the offender.

The picture needs to be taken down immediately to prevent any further damages.

If you have any issues please feel free to contact me via email.

Thank you.

Louise Caruana

EX. 2